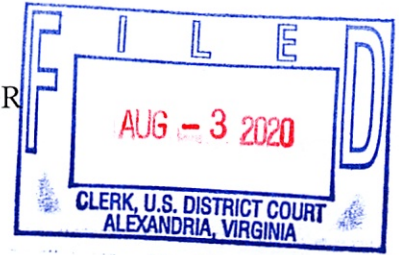


IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

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2020 AUG -3 P 4: 36

CLERK US DISTRICT COURT
ALEXANDRIA, VIRGINIA



UNITED STATES,

v.

XIZHI LI,
Defendant.

Crim. No. 1:19cr334
Hon. Leonie Brinkema
UNDER SEAL

DEFENDANT'S REPLY TO GOVERNMENT'S OPPOSITION TO MOTION TO DISMISS
FOR IMPROVIDENCE OF INDICTMENT

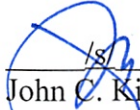
Comes now Defendant Xizhi Li, by counsel, and replies to the Government's Opposition to his Motion to Dismiss for Improvidence of Indictment.

The Government admits in its Opposition ("Opp") that it presented the testimony of five witnesses as part of its investigation of Defendant; three of which testified before Panel 19-4 and two before Panel 19-1. (Opp at 1.) The Government continues that it "eventually asked panel 19-4 to return a three count indictment charging Li..." (Opp at 1).

What the Government fails to explain is how the issuing grand jury managed to find probable cause when it heard only part of the testimony presented. Instead, the Government begs the question as to whether the issuing grand jury, rather than "conducting its own investigation," merely "pick[ed] up [the] investigation from where its predecessor left off," thereby reducing the discharge of its special function to "a quaint fiction." *In re: Grand Jury Proceeding Frederick Martin Oberlander v. United States*, 2020 WL 2892867 at *6 (Second Circuit, June 3, 2020).

Respectfully Submitted,

XIZHI LI
By Counsel




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Counsel for the Defendant

Certificate of Electronic Service

I hereby certify that on August 3, 2020, I hand filed the foregoing with the Clerk of Court and served electronically AUSA David Peters.



John C. Kiyonaga